

REMARKS

By this amendment, applicants have amended claim 1:

- (1) to recite that the dry cleaning step is a first low aqueous step of contacting articles with low aqueous compositions followed by a subsequent step of rinsing the articles with only dry cleaning solvent (suggested at page 37, lines 4-9 and page 9, lines 28-30); and
- (2) to recite “consisting essentially” of language in order to highlight that only the low aqueous step and solvent rinse occur and there is no, for example, non-aqueous liquid step.

Other claims have been amended to more closely track the language of claim 1 and claims 6, 7 and 9 are deleted. Accordingly, the claims pending are claims 1-5 and 8, as amended.

At pages 2-4 of the Office Action, the Examiner has rejected claims of the application with obvious-type non-statutory double patenting over (1) U.S. Patent No. 6,846,790; (2) U.S. Patent No. 6,900,166; (3) U.S. Patent No. 7,244,276; (4) co-pending U.S. Application No. 10/539,001; and (5) co-pending U.S. Application No. 10/540,711.

In this regard, applicants submit a Terminal Disclaimer which terminally disclaims that portion of granted U.S. Patent No. 6,846,790, 6,900,166 and 7,244,276 which runs beyond the expiration date of any claim granted on the subject application; and also disclaiming that portion of any claim on any patent which should grant on U.S. Serial

No. 10/539,001 and/or 10/540,711 which should run beyond the expiration date of any claim granted on the subject application.

In view of the terminal disclaimer, it is respectfully requested that the Examiner withdraw all objections of the claims issued on the basis of statutory-type double patenting.

At page 4 of the Office Action, the Examiner has rejected the claims over U.S. Publication 2003/0097718 to Evers et al. (Evers '718) as anticipated under 35 USC §102(e).

Evers '748 relates to a requested process for dry cleaning articles comprising

- (a) at least one non-aqueous dry cleaning step; and
- (b) at least one low-aqueous dry cleaning step.

As indicated, applicants have amended claim 1 to recite a process consisting essentially of a low aqueous first step followed by a solvent rinse step. Thus, besides the fact that non-aqueous step required by Evers (wherein the non-aqueous composition requires surfactant) is specifically intended to be excluded, even if somehow the non-aqueous step were construed as the solvent rinse of the subject invention, it differs because, in Evers '718, the non-aqueous step is sequentially first.

In view of this amendment, it is respectfully requested that the rejection under 35 USC §102(e) be withdrawn.

At page 5 of the Office Action, the Examiner has further rejected claims 1-3 and 6-10 under 35 USC §103(e) over U.S. Publication No. 2002/0115582 to Perry et al. (Perry '582) in view of U.S. Publication No. 2002/0142932 to Goedhart et al. (Goedhart '932).

First, it is noted that Perry '582 fails to suggest the benefit of a specific laundry sequence in which articles are contacted first with low aqueous composition (as amended) and subsequently rinsed with dry cleaning solvent. As indicated, our compositions are low aqueous compositions. Perry '582 teach away from using such low aqueous compositions since, according to Perry, cleaning is enhanced in the presence of water (see paragraphs 0076 and 0078, for example). The combination with Goedhart '932 adds nothing to remedy the fundamental deficiencies since Goedhart discloses no criticality as to sequencing, and no criticality of low water (e.g., water can range up to 1 to 39% by wt.).

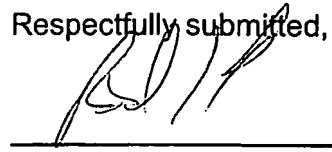
In short, the specific sequence of the subject invention, and the criticality of low aqueous and solvent only step are not required by the cited art.

In view of the amendment and discussion above, it is respectfully requested the Examiner reconsider and withdraw the rejection of the Examiner.

With regard to the rejection of claims 6 and 7 (see page 7, paragraph 10) in view of Perry and Goedhart and further in view of U.S. Patent No. 3,689,211 to Giampaloni et al., the rejection fails for the same reasons noted above. That is, Perry and Goedhart fail to recognize criticalities of the amended claims. The '211 patent does nothing to remedy their differences.

In view of the amendments and discussions above, including the submission of the terminal disclaimer, it is respectfully requested that the Examiner withdraw all the rejections of the claims and that all claims, as amended, be allowed.

Respectfully submitted,



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